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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,485	02/27/2004	Thilo Stolze	5497-015	7994
57579 7590 04/29/2010 COATS & BENNETT/INFINEON TECHNOLOGIES 1400 CRESCENT GREEN SUITE 300 CARY, NC 27518				
			EXAMINER ARENA, ANDREW OWENS	
			ART UNIT 2811	PAPER NUMBER
			NOTIFICATION DATE 04/29/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFINEON@COATSANDBENNETT.COM

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/789,485	Applicant(s) STOLZE, THILO
Examiner Andrew O. Arena	Art Unit 2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1, 3 - 5, 8, 9, 11, 13, 14 and 17 - 24.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Lynne A. Gurley/
Supervisory Patent Examiner, Art Unit 2811

/Andrew O. Arena/
Examiner, Art Unit 2811
24 April 2010

Continuation of 11. does NOT place the application in condition for allowance because:

The arguments filed 4/19/2010 have been fully considered but are not persuasive.

The arguments primarily concern the claim language "recesses in a module housing...extending from an exterior of the housing".

The arguments assert (pg 8 of 10, ¶4) that the proper interpretation of "recess" is "a receding part or space".

Proper interpretations could be stated other ways, but the proposed interpretation is reasonable, and the rejection works therewith.

The arguments proceed (pg 9 of 10, ¶1) that the sockets 20 of Ali are not a recess in the enclosure of 12-70-72-50, in particular, stating "sockets 20 are attached or otherwise mounted to the interior...and thus are not recesses in a module housing as claimed".

These arguments are not convincing since the claim language reads on Ali, e.g., in Fig 4, the entire assembly is regarded as a housing, and item 20 has a recess (white portion between hatched line portions labeled as 20) therein which "encloses" substrate regions.

The arguments assert (pg 9 of 10, ¶2) that the proper interpretation of "exterior" is "the outer surface or part; outside".

Again, the proposed interpretation is but one way of stating it, there are other reasonable and proper statements of the interpretation.

Nevertheless, the proposed interpretation is quite reasonable, and the rejection can be explained therewith.

The arguments then proceed (pg 9 of 10, ¶3) that "no reasonable construction of the term exterior can include the interior surface of the circuit board 12 to which the sockets 20 are attached."

This argument is not entirely irrelevant, however, it does not argue the exact claim language used.

The claims recite "extending from an exterior of the housing."

Thus, the dispositive issue is not whether a reasonable construction of the term exterior can include the interior surface.

The dispositive issue is whether any reasonable construction of the recitation "extending from an exterior" includes the applied rejection.

It is submitted that for extended bodies with many pieces contained in the interior, the idea of extending from and exterior is properly and reasonably interpreted to include items on the interior.

For example, in residential homes, it is common to refer to a dividing wall extending into a room from an exterior wall or to discuss furniture being placed against an exterior or outside wall.

The claim language "extending from an exterior" reads on Ali, e.g., in Fig 4, the recess in 20 extends all the way into and through the interior of the device from one exterior wall to another.

Note that the language does not require any portion of the recess itself be outside the housing, just "extending from an exterior".

The support offered above for the rejection is self-sufficient, however, the following is an additional note.

Please note that the interpretation relied upon for rejection is consistent with the instantly disclosed invention.

Applicant's Fig 3 includes "recess" 130 "extending from" top side 140 of housing 120 without the recess itself being outside, as in Ali.

The claims remain rejected as in the Office Action dated 2/22/2010.

/Andrew O. Arena/
24 April 2010